



Liza M. Walsh
Direct Dial: (973) 757-1101
lwals@walsh.law

THREE GATEWAY CENTER
100 Mulberry St, 15th Floor
Newark, NJ 07102
T: 973.757.1100
F: 973.757.1090
WALSH.LAW

December 9, 2022

FILED VIA ECF

Honorable Brian R. Martinotti, U.S.D.J.
U.S. District Court, District of New Jersey
Martin Luther King Jr. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *In re Insulin Pricing Litigation*, Civil Action No. 3:17-cv-699 (BRM) (ESK)

Dear Judge Martinotti,

This firm, together with Jones Day, represents Defendant Sanofi-Aventis U.S. LLC ("Sanofi") in the above referenced action. We write on behalf of all parties to respectfully request oral argument, subject to the Court's availability, on Plaintiffs' Motion for Class Certification (ECF 574) and Defendants' Motion to Exclude the Testimony of Professor Meredith Rosenthal (ECF 593). The briefing on both motions concluded on November 21, 2022.¹ Given the complexity of the issues and the significance of those motions in this litigation, Defendants respectfully request the opportunity to present argument. We have conferred with Plaintiffs, and Plaintiffs are happy to present oral argument if the Court requests it or would find it useful on one or more topics.

We appreciate the Court's consideration of this submission and ongoing attention to this matter. We are always available should Your Honor have any questions or require anything further.

Respectfully submitted,

[Signature block on next page]

¹ On Plaintiffs' motion for class certification, the sealed briefs are docketed as follows: Plaintiffs' opening brief (ECF 575); Defendants' brief in opposition (ECF 576); Plaintiffs' reply (ECF 577); Defendants' sur-reply (ECF 587-1); and Plaintiffs' response to the sur-reply (ECF 590). On Defendants' motion to exclude Professor Rosenthal's testimony, the sealed briefs are docketed as follows: Defendants' opening brief (ECF 594); Plaintiffs' brief in opposition (ECF 595); and Defendants' reply (ECF 596). Plaintiffs also included, in their response to the sur-reply on class certification (ECF 590), a response to Defendants' reply on the motion to exclude.

Consistent with the Court's order (ECF 583), the parties will submit redacted versions of the above briefs no later than January 20, 2023, which is 60 days after the completion of briefing.

December 9, 2022

Page 2

/s/ Michael R. Griffinger

Michael R. Griffinger

Christopher Walsh

Michael R. McDonald

GIBBONS P.C.

One Gateway Center

Newark, NJ 07102-5310

Tel.: (973) 596-4500

James P. Rouhandeh (*pro hac vice*)

David B. Toscano (*pro hac vice*)

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, NY 10017

Tel.: (212) 450-4000

Neal A. Potischman (*pro hac vice*)

Andrew Yaphe (*pro hac vice*)

DAVIS POLK & WARDWELL LLP

1600 El Camino Real

Menlo Park, CA 94025

Tel.: (650) 752-2000

Attorneys for Defendant

Novo Nordisk Inc.

/s/ Liza M. Walsh

Liza M. Walsh

Katelyn O'Reilly

William T. Walsh, Jr.

WALSH PIZZI O'REILLY FALANGA LLP

Three Gateway Center

100 Mulberry Street, 15th Floor

Newark, NJ 07102

Tel.: (973) 757-1100

Michael R. Shumaker (*pro hac vice*)

Julie E. McEvoy (*pro hac vice*)

William D. Coglianese (*pro hac vice*)

JONES DAY

51 Louisiana Avenue, N.W.

Washington, DC 20001

Tel.: (202) 879-3939

Attorneys for Defendant

Sanofi-Aventis U.S. LLC

/s/ Melissa A. Geist

Melissa A. Geist

REED SMITH LLP

Princeton Forrestal Village

136 Main Street, Suite 250

Princeton, NJ 08540

Tel.: (609) 514-5978

James F. Hurst (*pro hac vice*)

Andrew A. Kassof (*pro hac vice*)

Robert B. Ellis (*pro hac vice*)

Diana M. Watral (*pro hac vice*)

Ryan Moorman (*pro hac vice*)

Jason A. Feld (*pro hac vice*)

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

Tel: (312) 862-2000

Henry B. Liu (*pro hac vice*)

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, N.W.

Washington, DC 20001

Tel.: (202) 662-6000

Attorneys for Defendant

Eli Lilly and Company